MAKING HISTORY

Tsawwassen First Nation

First Urban Treaty in Modern-Day British Columbia

2008-02666/

On October 15, 2007 Chief Kim Baird of the Tsawwassen First Nation addressed the B.C. Legislature as debate began on the first urban treaty in modern-day British Columbia.

Mr. Speaker, Honourable Members, ladies and gentlemen.

I am very honoured to be addressing the Legislature today, and further honoured to represent my community. The fact that so many members of my community are here today to support me gives me strength and helps hold me up.

For the Tsawwassen people, this is a time of great hope and optimism — a challenging, yet exciting time. It is a time for revival and renewal. It is a time when we will take back our rightful place as a community, equal to others, through our treaty.

I say 'take back our rightful place' because we have a long and proud history that predates the birth of this province. For thousands of years, we used and occupied a large territory that was abundant in fish, shellfish, wildlife and other resources.

The Tsawwassen treaty means many things to many people. In my view, one of the important things this treaty achieves is a new relationship between Tsawwassen, British Columbia and Canada. It achieves reconciliation. I mean true reconciliation. To me, true reconciliation signifies real action and tangible change.

True reconciliation is the product of this treaty. It proves to the world that reasonable people can sit down and settle historical wrongs. It proves that a modern society can correct the mistakes of the past, while providing for differences in values and cultures. As First Nations, as British Columbians, as Canadians, we should all be very proud.

My presence here today is symbolic of true reconciliation. Our reconciliation was born of hard work and hard-fought compromises, so very painful to the Tsawwassen people.

I also have reflected on other recent events that I view as important steps towards reconciliation. The Honourable Steven Point's recent appointment as British Columbia's 28th lieutenant-governor is one of those recent events; a significant step in our history. Even the covering up of the murals, offensive to so many, is important because in my view, true reconciliation is a culmination of steps where we try our best to better understand and accommodate each other. And though we try our best — accommodation comes through change that can often be painful and rocky.

This past July, after 14 years at the negotiation table, we ratified our treaty. And, after an enormous information campaign mounted by our council staff and supportive community members, and through careful review, members of the Tsawwasen First Nation ratified our treaty by a resounding 70 per cent.

That is why I am here today. The treaty will be debated here in this Legislature, before travelling to Parliament Hill in Ottawa for final debate and, hopefully, formal ratification.

There were times I thought this day would never come. I am so relieved to be able to stand before you today and launch a debate that will decide the fate of the future for all of us. Our people have waited well over 100 years for this moment.

I like to think that our ancestors would be proud. I also like to think that some of our aboriginal leaders who are no longer with us and who devoted their whole lives to the notion of treaty making — which has afforded me the opportunity to negotiate our treaty — would celebrate our achievement too. Or in recent times, those members who have recently left us and who provided such strong support for the idea of true reconciliation. I am also grateful to trail blazers who have taken this journey before us such as the Nisga'a.

I must pause and reflect a little bit on our journey to today. In our language, hun'qum'i'num, the word 'Tsawwassen,' is translated into English as "land facing the sea." It also provides an accurate description of our home, our current reserve and most of our treaty lands being located at what is now known as Roberts Bank in Delta, on the southern Strait of Georgia near the Canada-U.S. border.

We were accomplished fishers; salmon and sturgeon were mainstays of our traditional diet. That is still the case today. In small skiffs with powerful motors, also known as a mosquito fleet, we fish for salmon, eulachon and crab primarily. In fact, because of the urbanization of our territory, fish is one of the only renewable resources we have access to and as such, is of vital importance to our community. Fish provides for cultural and social processes that are very important to our identity.

I should say, I have read many, many draft treaty chapters in between sets while fishing in my own little gill-netter.

Our traditional Tsawwassen territory was bordered on the northeast by the watersheds that feed into Pitt Lake, down Pitt River to Pitt Meadows, where they empty into the Fraser River. It includes Burns Bog and part of New Westminster, following the outflow of the river just south of Sea Island.

From Sea Island it cuts across the Strait to Galiano Island and includes all of Saltspring, Pender and Saturna islands.

From there, the territory continues northeast to include the Point Roberts peninsula, and the watersheds of the Serpentine and Nicomekl rivers. We have never surrendered this territory of ours.

Our ancestors were also skilled hunters. Waterfowl — ducks, mallards and loons — as well as sea mammals such as porpoises, seals and sea lions formed part of their diet. The tidal flats at Westham Island and Boundary Bay were favoured duck-hunting areas. Today our hunters get most of our ducks fronting our existing reserve.

Elk, deer, black bear and beaver were hunted in season, supplementing the regular diet of fish. Deer-hunting areas included English Bluff, the south side of Lulu Island and the area now known as New Westminster.

Ancient Tsawwassen people greatly relied on western red and yellow cedar, which provided homes, firewood, food, tools for carving and cooking, great ocean-going canoes, clothing and ceremonial gear. Other plants, shells from intertidal creatures, bones from land and sea mammals and birds, and skins from bear, deer and elk provided other essential materials.

Food was abundant. A trade and barter system was in place. Specialized services were also exchanged. We also had extensive practices and ceremonies that dealt with governance functions in our longhouse. Our longhouse systems also ensured the redistribution of wealth to make certain our people could survive. Experts are still learning how complex these practices were and are. This is a far cry from the portrayal of aboriginal people as savages.

I don't want to dwell on the impacts of European contact too much, but there are facts we need to consider.

We can't underestimate the impact European contact has had on our communities. Over the past century our lives were much diminished by newcomers who first took our labour for furs and fish, but then later took our lands and resources, and considered us a nuisance when our labour was no longer desired. Residential schools forever changed the face of our communities due to the apprehension of our children and discouragement of our culture and language. These impacts will face us for many more generations and as a mother of two small children, I cannot tell you how distressed I feel when I think of what happened to our ancestors.

Sadly, either these tools or similar tools of colonialism were used throughout the world at this unfortunate time in world history. More specific to us — tools of land title and other rights of newcomers were mapped over our territories – effectively erasing our presence and marginalizing us to the fringes of our territory, and broader society. In more recent times, these tools have evolved to land use designations, official community plans and livable regional strategies. Again, other people mapped over our territories without our input — all the while with unextinguished aboriginal title that still underlies our territory.

Does this sound extreme? For sure, land use and development issues are key issues in our treaty and in the Lower Mainland as well. In fact, this is the crux of controversy because of the importance of these issues.

Consider a clause in our treaty that stipulates the transfer of 207 hectares to us from the Agricultural Land Reserve. Some of you may have heard of this.

In the countdown to the Final Agreement we made it clear we needed those lands in order to live and grow, to set up businesses and build houses.,

No other aspect of our treaty resulted in as much controversy, so many headlines. Some critics — including columnists, environmentalists and politicians — are trying to block our treaty because of the Agricultural Land Reserve issue.

Critics choose to ignore Tsawwassen's history of being victims of industrial and urban development to the benefit of everyone but us. The naysayers do not seem to care that they are calling for the continued exclusion of Tsawwassen from opportunities everyone else has enjoyed. "So what of Tsawwassen First Nation's legitimate economic needs? So what of Tsawwssen First Nation's land base needs? Let's just continue to ignore Tsawwassen First Nation needs."

I try not to become too disheartened and I hope the members of my community take the same approach. Because the facts speak for themselves: today we have a tiny postage stamp of a reserve, a small fraction of a percentage of our traditional territory fronting a dead body of water, trapped between two massive industrial operations. Our land and aquatic ecosystems have been fouled beyond human comprehension. The ferry causeway, with its millions of cars and trucks, dissects our reserve to the south. And, Deltaport with its 24/7 coal and container traffic coats our houses with diesel particulate; trucks and trains keep us awake at night.

Consider too, the bulldozing of a Tsawwassen longhouse for the construction of the ferry terminal causeway. No consultation, no compensation.

These industrial operations that include a man-made island terminal and a causeway linking them to the mainland — have virtually destroyed our beaches, at least our ability to use them as we had traditionally.

The ALR issue is just one of the compromises required for the conclusion of this treaty. And although this is one of the more publicly controversial aspects of the treaty — make no mistake that my community has had to make a number of compromises too. I have highlighted this issue because I was worried that it would overtake our collective mutual objective of reconciling aboriginal rights and title with the crown.

I think I can say on my and my community's behalf, that true reconciliation requires this treaty receive broad support. I want our treaty to have the support of as many parties and individuals as possible. To have it become a political football due to very specific public policy issues, in my view, sullies the whole point of true reconciliation. Compromises are indeed difficult but also very necessary.

I think that there are many other reasons why this treaty represents true reconciliation. I am very excited by the fact that the Tsawwassen people will no longer be tethered to the archaic *Indian Act* — an act which has failed all of us. We no longer have to have our aspirations subject to a legion of bureaucrats purporting to have our best interests at heart. True reconciliation, as set out in the Tsawwassen treaty, from this day forward will bring the end of that paternalistic act.

Today, true reconciliation also means access to financial resources and economic opportunities which will be used for economic development and infrastructure development. True reconciliation will also provide services and programs for Tsawwassen members.

While my community has endorsed our treaty — we still worry about our future. We have much work to do to implement our treaty and to undo the legacy of oppression. In the homes of our reserve you can feel both a sense of excitement and a sense of apprehension. The real work begins now. We must put our mind to developing our governance structures and institutions. Being ready for self-governance will require much effort by all my members.

The treaty is a legal document, of course. A framework that ensures we can enter the economic and political mainstream of Canada. Now, as equals, we enter the economic, political and social mainstream — with all the rights and all the responsibilities. It also enables many things. Our new relationships, such as our membership in the GVRD, now known as Metro Vancouver, is a historic feat in itself. Today, we are on the cutting edge of creating true reconciliation.

Our treaty is the right fit for our nation. More land, cash and resources provide us the opportunity to create a healthy and viable community, free from the constraints of the *Indian Act*. We now have the tools to operate as a self-governing nation, for the first time in 131 years since the first *Indian Act* was introduced.

The Tsawwassen treaty, clause by clause, emphasizes self-reliance, personal responsibility and modern education. It allows us to pursue meaningful employment from the resources of our own territory for our own people. Or in other words, a quality of life comparable to other British Columbians.

T.E.A.M

To everyone, it provides economic and legal certainty and gives us a fighting chance to establish legitimate economic independence — to prosper in common with our non-aboriginal neighbours in a new and proud Canada.

In closing, I want to share this thought with you: I am often asked whether it has been worth it — all the years at the negotiation table, the endless meetings under a seemingly endless series of new governments, ministers and officials. So many with new protocols and new directives that often contradicted earlier ones.

Often, far too often, we had to start over. In the face of these realities, I have been very fortunate to have dedicated and loyal Tsawwassen members by my side for the negotiations and here on the floor today. They have also persevered through the ups and downs. No one was more surprised than I was when we reached final treaty. These negotiations are complex. At times, the gulf between our communities seemed insurmountable. Even though we completed our Treaty — there are still parts of it that I find very offensive.

But, in answer to whether it was worth it — yes, a resounding yes. When I began this process I was a young woman, 20 years old. Now, I am what I like to think of as youngish at 37 years. Today, I have two girls, aged 4 and 10 months. I am confident they will study, work and live in a new and different world, defined by hope and fuelled by optimism, while being proud of their heritage.

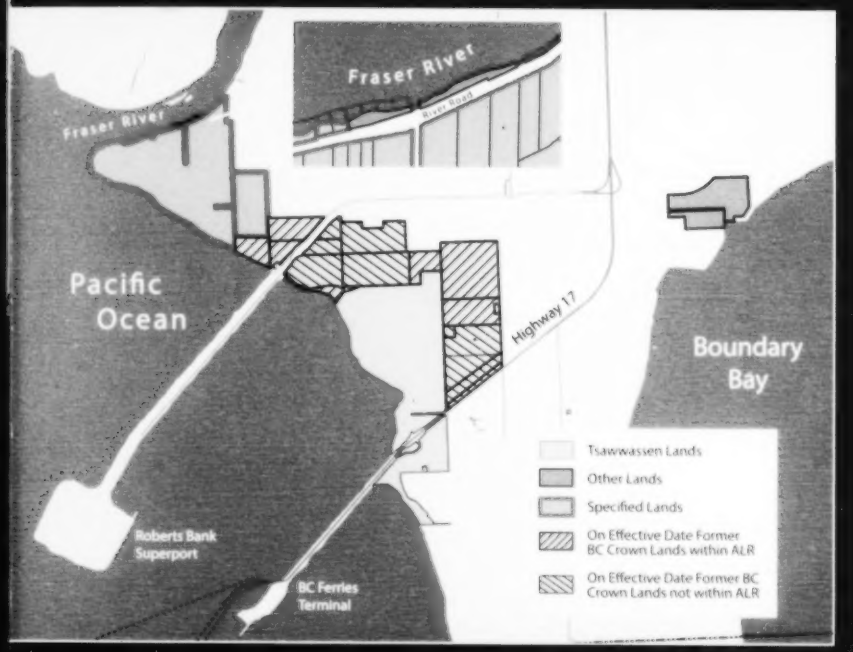
I have to add that I am also glad that in the future when my girls visit this building, they will not feel embarrassed by how their ancestors are portrayed on those murals. The future is very bright for my children, and all the children and future children of my community if this treaty is signed by all three parties. I hope their world will be so much better than the one their ancestors faced for too long. We are decolonizing through accommodation of our differences — not assimilation.

And that, Mr. Speaker, I trust you agree is the ultimate benefit of true reconciliation. Thank you.

Tsawwassen First Nation
Treaty Facts

Current TFN population, on and off-reserve: 372
TFN members who voted yes to ratify treaty on July 25, 2007: 70%
Total amount of land: 724 hectares
Land removed from ALR: 207 hectares
Estimated total value of the treaty: $120 million
- Land: $66.7 million
- Cash: $16 million
- Salmon allocation: $2.7 million
- Other: $34.6 million

Average food, social and ceremonial fisheries: 12,000 sockeye, 625 chinook, 500 coho, up to 2,576 chum and up to 2,500 pink
Average commercial fisheries, under the Harvest Agreement: 31,200 sockeye, 7,550 chum and 39,000 pink



For More Information:

Tanya Corbet
Tsawwassen First Nation
#131 N Tsawwassen Drive
Delta, BC V4M 4G2
www.tsawwassenfirstnation.com
604-948-5205
tcorbet@tsawwassenfirstnation.com

TSAWWASSEN FIRST NATION